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FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CV 08

3189

JL

Plaintiff(s),

No.

v.

**ORDER SETTING CASE  
MANAGEMENT CONFERENCE**

**[EXCLUDED CASES]**

Defendant(s).

1. A case management conference shall be held in this case before the Honorable James Larson at 10:30 a.m. on 10/8/08 in Courtroom F, 15th floor, 450 Golden Gate Avenue, San Francisco, CA 94102. The joint case management conference statement must be prepared and filed not less than ten days beforehand.

2. Plaintiff(s), or for cases removed from state court, the removing defendant(s), must serve this order immediately on each and every party previously served and include a copy with all subsequent service on other parties, in accordance with Rules 4 and 5 of the Federal Rules of Civil Procedures (FRCP).

3. The parties shall address the following in their joint case management statement (not to exceed twelve pages):

(a) The basis for this Court's subject-matter jurisdiction and whether any issue exists regarding personal jurisdiction or venue;

(b) A brief description of the case and defenses and description of any related proceeding, including any administrative proceedings;

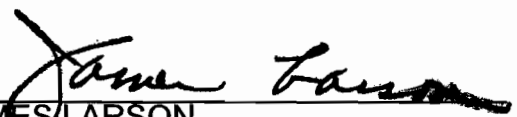
(c) A brief summary of the proceedings to date, including whether there has been full and timely compliance with the initial disclosure requirements of Federal Rule of Civil Procedure 26;

- 1 (d) The extent to which new parties will be added or existing parties deleted;  
2 (e) The scope of discovery to date and, separately, the scope yet anticipated;  
3 what limits should be imposed on discovery; and what should be the proposed discovery plan;  
4 (f) What damages and other relief are sought and what method is used to  
5 compute damages.  
6  
7 (g) ADR efforts to date and a specific ADR plan for the case;  
8 (h) Which parties consent to assignment of the case to a magistrate judge;  
9 (i) A service list for all counsel that includes telephone and fax numbers; and  
10 (j) To the extent not addressed above, all other items set forth in Local Rule 16-10.

11 4. Each party shall be represented at the case management conference either in  
12 person or by counsel prepared to address all such matters, and with authority to enter  
13 stipulations and make admissions.

14 5. Pursuant to FRCP 26(d), no formal discovery shall be initiated by any party until  
15 after the meet-and-confer session required by FRCP 26(f), except by stipulation or prior court  
16 order.

17  
18 Dated:

19   
20 JAMES LARSON  
21 United States Magistrate Judge  
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damages sought and a description of the bases on which damages are calculated. In addition, any party from whom damages are sought must describe the bases on which it contends damages should be calculated if liability is established.

12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR plan for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or motions necessary to position the parties to negotiate a resolution.

13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment.

14. Other References: Whether the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims, or defenses.

16. Expedited Schedule: Whether this is the type of case that can be handled on an expedited basis with streamlined procedures.

17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of dispositive motions, pretrial conference and trial.

18. Trial: Whether the case will be tried to a jury or to the court and the expected length of the trial.

19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. **In addition**, each party must restate in the case management statement the contents of its certification by identifying any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party to have either: (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.